

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-24 are pending in this application. Claims 1, 8, 11, and 18 are amended. Claims 1, 8, 11, and 18 are the independent claims.

Examiner Interview

Initially, Applicants wish to thank Examiner Lipman for the courtesies extended to Applicants' representative during the telephonic interview of February 3, 2009. During the interview, the parties discussed the Stewart reference and possible amendments to overcome the Examiners 35 U.S.C. §§ 102(b) and 103(a) rejections. The discussion centered around the verification of an authorized user via a mobile terminal on a network unassociated the network of the access terminal. Applicants have amended the claims in accordance with this discussion. In addition, Applicants and the Examiner discussed the 35 U.S.C. § 112 1st paragraph rejection. We discussed amending the claims such that they reverted back to original claim language.

Rejections under 35 U.S.C. § 112

Claims 1-24 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed in the February 3, 2009 interview, the claims have been amended reverting them back to the original claim language.

The Applicants, therefore, respectfully request that the rejection to Claims 1-24 under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1, 3, 7-11, 13, 17, 18, 20, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,414,635 to Stewart et al (Stewart). Applicants respectfully traverse this rejection for the reasons detailed below.

Regarding claim 1, Applicants have amended independent claim 1 to clarify the comparing step. Claim 1 now recites a comparison between “the current physical location of the access terminal with the current physical location of the mobile terminal to verify the location of the authorized user as being within a range of the access terminal.” Stewart does not disclose verification based on a comparison of “the current physical location of the access terminal with the current physical location of the mobile terminal.” Therefore, Stewart does not teach or suggest each and every feature of amended claim 1.

Because Stewart fails to teach or suggest a comparison between “the current physical location of the access terminal with the current physical location of the mobile terminal to verify the location of the authorized user as being within a range of the access terminal,” independent claims 8, 11 and 18 are allowable at least for the same reasons as discussed with regard to claim 1.

Claims 3, 7, 9-10, 20 and 24 are allowable at least for depending from an allowable base claim. The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1, 3, 7-11, 13, 17, 18, 20, and 24 under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103

Claims 2, 4-6, 12, 14-16, 19, and 21-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, Stewart fails to teach or suggest that the comparison is “to verify the location of the authorized user as being within a range of the access terminal,” therefore independent claims 1, 8, 11 and 18 are allowable. Claims 2, 4-6, 12, 14-16, 19, and 21-26 are allowable at least for depending from an allowable base claim.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 2, 4-6, 12, 14-16, 19, and 21-24 under 35 U.S.C. § 103(a).

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claims 1, 8, 11 and 18 as well as all claims dependent thereon.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.



Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By  #60977
Ryan Alley  Gary D. Yacura, Reg. No. 35,416
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

RA 45
GDY/REA/EPs:lfb